IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

Bail Appl..No. 4181 of 2007()

CRMP.1204/2007 of J.M.F.C.,THIRUVALLA
CRIME NO.10/07 OF MALLAPPLY EXCISE RANGE.

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PETITIONER : ACCUSED:

ANIL KUMAR, S/O.RAMAN KUTTY,
RESIDING AT AMABALAPPARAMB VEEDU,
PULILTHANAM MURI, KUNNANTHANAM VILLAGE,
MALLAPALLY TALUK, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.AJITH MURALI

RESPONDENTS: COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. NO. 4181 of 2007

Dated this the 5th day of July, 2007

ORDER

Second application for regular bail before this Court. The petitioner faces allegations under the Kerala Abkari Act. He was allegedly found to be in possession of 1.750 litres of arrack on 19/4/07. He was arrested on 20/5/07 and continues in custody from that date. The earlier application for regular bail was opposed by the learned Public Prosecutor on the ground that the petitioner is involved in other similar crimes. That petition was dismissed on 20/6/07 with the observation that the petitioner can move this Court again for bail at a later stage of the investigation – not prior to 30/6/07. Accordingly, this petition has been filed on 3/7/07.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not now oppose the said prayer on condition that the Investigator is granted reasonable further time to complete the investigation and appropriate conditions are imposed and I am satisfied that the petitioner

can now be enlarged on bail subject to appropriate terms and conditions which shall allay the apprehension of the learned Public Prosecutor.

3. **In the result:**

(a) This application is allowed. The petitioner shall be released on bail on the following terms and conditions:

(i) The petitioner shall not be released from custody on the strength of this order prior to 13/7/07. The Investigator shall, in the meantime, make every endeavour to complete the investigation.

(ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(iii) The petitioner shall make himself available for interrogation before the Investigating Officer on all Mondays and Fridays between 10 a.m. and 12 noon until further orders.

(R. BASANT, JUDGE)

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